

Brown, Seanna R.

From: Brown, Seanna R.
Sent: Friday, July 22, 2016 2:14 PM
To: Helen Chaitman
Cc: Sheehan, David J.; Vanderwal, Amy E.; Jenson, Karin Scholz; Jacobs, Edward J.
Subject: Re: SIPC v. BLMIS - Third Letter re Madoff Declaration

Helen,

We disagree with your characterization of Mr. Madoff's testimony as well as your accusations about Ms. Bongiorno's testimony. Further, the Trustee's work product and communications with former BLMIS employees is not an issue before the Court, whereas the Madoff Declaration has been submitted to the Court, and now two different versions of it (the signed version that you marked, and the signed, docketed version that I marked) are exhibits to Mr. Madoff's deposition. Your explanation below does not resolve that issue, let alone clarify Mr. Madoff's testimony that the version he signed did not contain Paragraphs 3 and 4. With these discrepancies in the sworn testimony, we have no choice but to bring this matter to the Court's attention.

Given that the deposition is under seal, we will advise the Court that we would like to have a Chambers' conference to discuss how to proceed.

Seanna

On Jul 22, 2016, at 3:16 AM, Helen Chaitman <hchaitman@chaitmanllp.com> wrote:

Seanna: If the Trustee is prepared to waive the work product privilege for all of his communications with former Madoff employees, I will be willing to do the same. Please let me know if that is acceptable. As to the substance of your contentions, they are utterly frivolous. Mr. Madoff clearly testified as to the truth of his declaration and he was emphatic that he would never have sent a customer money without a written request. He also testified that he would not have signed a document that he had not read. He had originally crossed out certain material in his declaration and I simply sent him a clean copy for him to review and sign, which is what he did. Moreover, none of the former Madoff employees who were deposed has disputed the veracity of Mr. Madoff's testimony – except for Annette Bongiorno, for whose testimony the Trustee paid several million dollars.

Helen Davis Chaitman
Chaitman LLP
465 Park Avenue
New York, New York 10022
hchaitman@chaitmanllp.com
Cell: (908) 303-4568
Fax: (888) 759-1114

From: Brown, Seanna R. [<mailto:sbrown@bakerlaw.com>]
Sent: Thursday, July 21, 2016 4:12 PM
To: Helen Chaitman <hchaitman@chaitmanllp.com>
Cc: Sheehan, David J. <dsheehan@bakerlaw.com>; Vanderwal, Amy E. <avanderwal@bakerlaw.com>;
Jenson, Karin Scholz <kjenson@bakerlaw.com>; Jacobs, Edward J. <ejacobs@bakerlaw.com>
Subject: SIPC v. BLMIS - Third Letter re Madoff Declaration

Ms. Chaitman,

Please see attached.

Regards,
Seanna Brown

Seanna Brown
Partner

<image001.jpg>
45 Rockefeller Plaza
New York, NY 10111-0100
T 212.589.4230

sbrown@bakerlaw.com
bakerlaw.com
<image002.jpg><image003.jpg>
<image004.jpg>

This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

Any tax advice in this email is for information purposes only. The content of this email is limited to the matters specifically addressed herein and may not contain a full description of all relevant facts or a complete analysis of all relevant issues or authorities.

Internet communications are not assured to be secure or clear of inaccuracies as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this email, or any attachment, that have arisen as a result of e-mail transmission.